

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO
01-CV-12257-PBS AND 01-CV-339

Judge Patti B. Saris

**[PROPOSED] ORDER SUSTAINING OBJECTION TO ORDER AND GRANTING
PLAINTIFFS' MOTION TO COMPEL DEFENDANTS'
CORRESPONDENCE WITH PUTATIVE CLASS MEMBERS**

THIS MATTER is before the Court on Plaintiffs' Objection to Order Denying Motion to Compel Production of Defendants' Correspondence with Putative Class Members. The Court, having considered all pleadings in support and in opposition thereto, and being fully advised in the premises, hereby

SUSTAINS Plaintiffs' Objection and GRANTS Plaintiffs' motion. Defendants must produce, within ten (10) days of this Order, all written communications that they have had with any putative class member in connection with this litigation since the litigation began, including correspondence related to the subpoenas that Defendants have served in this litigation.

IT IS SO ORDERED.

DATED:

Hon. Patti B. Saris
U.S. District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **[PROPOSED] ORDER SUSTAINING OBJECTION TO ORDER AND GRANTING PLAINTIFFS' MOTION TO COMPEL DEFENDANTS' CORRESPONDENCE WITH PUTATIVE CLASS MEMBERS** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on November 10, 2004, a copy to Verilaw Technologies for Posting and notification to all parties

By /s/ Steve W. Berman
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